



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II — खण्ड 2
PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 17] नई दिल्ली, मंगलवार, जुलाई 24, 2001 / श्रावण 2, 1923
No. 17] NEW DELHI, TUESDAY, JULY 24, 2001 / SRAVANA 2, 1923

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 24th July, 2001:—

I

BILL No. XLVI OF 2001

A Bill further to amend the Indian Divorce Act, 1869, the Parsi Marriage and Divorce Act, 1936, the Special Marriage Act, 1954 and the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. This Act may be called the Marriage Laws (Amendment) Act, 2001.

Short title

CHAPTER II

AMENDMENTS TO THE INDIAN DIVORCE ACT, 1869

4 of 1869.

2. In section 36 of the Indian Divorce Act, 1869 (hereafter in this Chapter referred to as the Divorce Act),—

Amendment of section 36.

(a) for the words "the wife may present a petition for alimony pending the suit", the words "the wife may present a petition for expenses of the proceedings and alimony pending the suit" shall be substituted;

(b) for the words "for payment to the wife of alimony pending the suit", the words "for payment to the wife of the expenses of the proceedings and alimony pending the suit" shall be substituted;

(c) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the petition for the expenses of the proceedings and alimony pending the suit shall, as far as possible, be disposed of within sixty days of service of such petition on the husband.”.

Amendment of
section 41.

3. In section 41 of the Divorce Act, the following proviso shall be inserted, namely:—

“Provided that the application with respect to the maintenance and education of the minor children pending the suit shall, as far as possible, be disposed of within sixty days from the date of service of notice on the respondent.”.

CHAPTER III

AMENDMENTS TO THE PARSİ MARRIAGE AND DIVORCE ACT, 1936

Amendment of
section 39.

4. In section 39 of the Parsi Marriage and Divorce Act, 1936 (hereafter in this Chapter referred to as the Parsi Marriage and Divorce Act), the following proviso shall be inserted, namely:—

“Provided that the application for the payment of the expenses of the suit and such weekly or monthly sum during the suit, shall as far as possible, be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be.”.

Amendment of
section 49.

5. In section 49 of the Parsi Marriage and Divorce Act, the following proviso shall be inserted, namely:—

“Provided that the application with respect to the maintenance and education of such children during the suit shall, as far as possible, be disposed of within sixty days from the date of service of notice on the respondent.”.

CHAPTER IV

AMENDMENTS TO THE SPECIAL MARRIAGE ACT, 1954

Amendment of
section 36.

6. In section 36 of the Special Marriage Act, 1954 (hereafter in this Chapter referred to as the Special Marriage Act), the following proviso shall be inserted, namely:—

“Provided that the application for the payment of the expenses of the proceeding and such weekly or monthly sum during the proceeding under Chapter V or Chapter VI shall, as far as possible, be disposed of within sixty days from the date of service of notice on the husband.”.

Amendment of
section 38.

7. In section 38 of the Special Marriage Act, the following proviso shall be inserted, namely:—

“Provided that the application with respect to the maintenance and education of the minor children, during the proceeding, under Chapter V or Chapter VI shall, as far as possible, be disposed of within sixty days from the date of service of notice on the respondent.”.

CHAPTER V

AMENDMENTS TO THE HINDU MARRIAGE ACT, 1955

Amendment of
section 24.

8. In section 24 of the Hindu Marriage Act, 1955 (hereafter in this Chapter referred to as the Hindu Marriage Act), the following proviso shall be inserted, namely:—

“Provided that the application for the payment of the expenses of the proceeding and such monthly sum during the proceeding shall, as far as possible, be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be.”.

Amendment of
section 26.

9. In section 26 of the Hindu Marriage Act, the following proviso shall be inserted, namely:—

“Provided that the application with respect to the maintenance and education of the minor children, pending the proceeding for obtaining such decree shall, as far as possible, be disposed of within sixty days from the date of service of notice on the respondent.”.

STATEMENT OF OBJECTS AND REASONS

The Law Commission of India in its 27th, 54th and 129th Reports and the Committee on Subordinate Legislation (11th Lok Sabha) had recommended that the tendency to obtain the adjournments on frivolous grounds in the cases pending in courts should be curbed. The Malimath Committee also recommended that remedial measures should be taken immediately for speedy disposal of the cases pending in courts.

2. Sections 36 and 41 of the Indian Divorce Act, 1869, sections 39 and 49 of the Parsi Marriage and Divorce Act, 1936, sections 36 and 38 of the Special Marriage Act, 1954 and sections 24 and 26 of the Hindu Marriage Act, 1955 do not contain any time limit for disposal of applications for alimony *pendente lite* or the maintenance and education of minor children. More than 670 cases are understood to be pending in various High Courts under section 24 of the Hindu Marriage Act, 1955.

3. As part of the judicial reforms process, it is proposed to make necessary amendments in the enactments mentioned in paragraph 2 with a view to making provisions that an application for alimony *pendente lite* or the maintenance and education of minor children shall be disposed of within sixty days from the date of service of notice on the respondent.

4. The Bill seeks to achieve the above object.

ARUN JAITLEY.

II

BILL No. XLVII of 2001

A Bill to repeal the Sugarcane Cess (Validation Act, 1961.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Sugarcane Cess (Validation) Repeal Act, 2001.

Repeal of Act 38
of 1961.

2. The Sugarcane Cess (Validation) Act, 1961 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

By a judgment delivered on the 13th December, 1960 in the case of M/s. Diamond Sugar Mills Ltd. and another *versus* State of Uttar Pradesh and another, the Supreme Court held the U.P. Sugarcane Cess Act, 1956 as *ultra vires* and beyond the competence of the State Legislature. In order to overcome the difficulties arising from the said decision, the U.P. Sugarcane Cess (Validation) Act, 1961 was enacted to validate the cess levied and collected under the U.P. Sugarcane Cess Act, 1956. The Sugarcane Cess (Validation) Act, 1961 validated the sugarcane cess imposed, assessed or collected by the State Governments of Andhra Pradesh, Bihar, Gujarat, Karnataka, Madhya Pradesh, Maharashtra and Tamil Nadu under their respective State Acts.

2. The Commission on Review of Administrative Laws, which was set up by the Government of India on the 8th May, 1998 to, *inter alia*, review administrative laws, regulations and procedures administered by various Ministries and Departments and to make recommendations for repeal of such laws, presented its report to the Government on the 30th September, 1998. In pursuance of the recommendations of the said Commission, the Central Government, after consulting the State Governments concerned, proposes to repeal the Sugarcane Cess (Validation) Act, 1961 which has since outlived its utility.

3. The Bill seeks to achieve the above object.

SHANTA KUMAR.

R.C. TRIPATHI,
Secretary-General.

